

Reexamination and reconsideration of the application as amended are respectfully requested.

As requested, the title has been amended to include the piercing feature as suggested by the Examiner.

Claims 5 and 6 were rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Those claims have been canceled from further consideration so that the rejections are now moot.

Claims 1, 3, 4, 8-12, and 15-20 are rejected as being anticipated by Caldwell - 4,403,895 ("Caldwell"). In addition, claims 2, 5-7 and 13 are rejected as being unpatentable over Caldwell as modified by Schmid, et al. - 5,252,016 ("Schmid"), while claim 14 is rejected as being unpatentable over Caldwell as modified by Mayers, et al. - 3,213,494 ("Mayers").

Independent claims 1, 11, and 16 have been revised in order to more particularly define over any fair teaching attributable to Caldwell or the modifying references of Schmid and Mayers. Particularly, it is noted that in Caldwell, a dimension between radial shoulders 34 and 40 "is less than the thickness of carpet layer 20, [and as a result] carpet layer 20 will be compressed therebetween as radial shoulder 34 moves below urethane layer 22. This serves to pull flange 44 into carpet layer 20, compressing it slightly as can be seen in Figure 1." (Col. 3, lines 35-39.) This is not the case in the present application, nor would such an arrangement be desirable. Rather, in the present application, the fastening peg pierces the surface 60 of the weatherseal to form an opening. Upon rotation and axial advancement of the fastening peg, the material of the weatherseal expands around the helical thread and then deforms radially inward behind the first flange 16. The second flange 32 abuts against the planar surface 60 of the weatherseal without passing through the self-pierced opening. Thus, the cavity 66 allows the fastening peg to be secured thereto without damaging the remainder of the weatherseal, particularly the bulbous portion 72. Rib 68 serves as a separating wall between the first and second cavities so that even though the first cavity is pierced by the fastening peg as described above, the second cavity is not affected. This structural feature is more particularly brought out in independent claims 1 and 11.

Moreover, neither Schmid nor Caldwell relate to such a concept that would cause one of ordinary skill in the art to seek to modify the express teaching of Caldwell in a manner that fairly teaches the subject invention. Accordingly, claims 1 and 11 and claims dependent therefrom are patentable over the prior art.

The independent method claim has also been modified to more particularly describe the process of how the fastening peg pierces the weatherseal and then is partially advanced into the

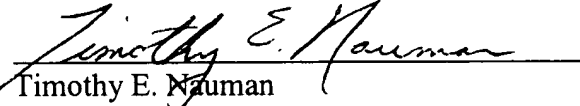
weatherseal opening a certain dimension so that the flanges limit further advancement of the fastening peg into the weatherseal. Again, for all the reasons noted above, this is directly contrary to the express teaching of Caldwell and none of the remaining prior art of record cures this deficiency.

New dependent claims 21 and 22 relate to the additional steps of rotating the fastener peg at different rotational velocities (see page 5, lines 11-14) and terminating rotation after the first flange has advanced through the weatherseal opening. Again, claim 16 as amended already defines over the prior art, and these further teachings further patentably distinguish over the prior art.

All formal and informal matters having been addressed, this application is in condition for allowance. Accordingly, early notice to that effect is earnestly solicited.

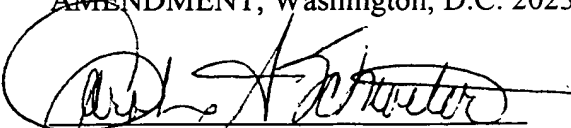
Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP


Timothy E. Nauman
Reg. No. 32,283
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2518
216/861-5582

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this **AMENDMENT** in connection with U.S. Patent Application Serial No. 09/808,524 is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX **AMENDMENT**, Washington, D.C. 20231 on 06/21/02.


Caroline A. Schweter

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

Please amend claim 1 as follows:

1. (Amended) A self-tapping fastening peg for securing a weatherseal to a vehicle body structure, the weatherseal having a base region defined by a surface adapted to sealingly engage the vehicle body structure, and a first cavity defined by a rib spaced a first dimension from the surface, and a bulbous seal portion, the fastening peg comprising:

a [pointed nose] self-piercing end adapted to pierce the surface of an associated weatherseal;

a helical flange substantially circumscribing the nose;

a shoulder axially spaced from the flange a dimension greater than the dimension of the weatherseal whereby the flange and shoulder are disposed on opposite faces of the surface to engage the fastening peg to the weatherseal without compressing the surface; and

a locking assembly disposed adjacent the shoulder and adapted to secure the fastening peg to an associated vehicle body structure.

Please delete claims 5 and 6.

Please amend claim 16 as follows:

16. (Amended) A method of attaching a weatherseal to a vehicle comprising the steps of:

providing a fastening peg having enlarged first and second flanges spaced apart by a first dimension;

piercing the weatherseal with the fastening peg to form an opening in the weatherseal of a diameter less than the first and second flanges; and

partially advancing the fastening peg through a second dimension less than the first dimension whereby the first flange passes through the weatherseal opening and the second flange does not pass through the weatherseal opening.

Please add new claim 21 and 22, as follows:

21. (New) The method of claim 17 wherein the rotating step includes rotating the fastening peg at a first rotational velocity to form the opening in the weatherseal, and subsequently rotating the fastening peg at a shower, second rotational velocity to advance a portion of the fastening peg into a first cavity of the weatherseal.

22. (New) The method of claim 21 wherein the rotating step is terminated after the first flange has advanced through the weatherseal opening.